

RECEIVED  
CENTRAL FAX CENTER

JAN 02 2008

PTO/SB/21 (12-07)

Approved for use through 12/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/810,904
	Filing Date	March 26, 2004
	First Named Inventor	Linda L. Tomashow
	Art Unit	1652
	Examiner Name	Malgorzata A. Walicka
	Attorney Docket Number	0077-04
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks If any further cost is associated with this response, please charge to Deposit acct # 56-2135		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	USDA, ARS, OTT		
Signature	<i>Elizabeth R. Sampson</i>		
Printed name	ELIZABETH R. SAMPSON		
Date	January 3, 2008	Reg. No.	52,190

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Elizabeth R. Sampson</i>		
Typed or printed name	ELIZABETH R. SAMPSON	Date	1/2/08

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.


RECEIVED  
CENTRAL FAX CENTER  
JAN 02 2008

I hereby certify that this correspondence is being facsimile transmitted to  
the United States patent and Trademark Office,, (Fax No.: 571-273-8300 )

PATENT  
USDA Docket No.: 0077.04

On January 2, 2008

USDA, Agricultural Research Service, Office of Technology Transfer

By: Elizabeth R. Sampson 

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Linda L. Thomashow *et al.*

Application No.: 10/810,904

Filed: March 26, 2004

For: SEQUENCES ENCODING PhzO  
AND METHODS

Customer No.: 25278

Confirmation No. 1051

Examiner: Malgorzata A. Walicka

Technology Center/Art Unit: 1652

AMENDMENT AND RESPONSE TO  
NON-FINAL OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed October 2, 2007, please enter the  
following amendments and remarks:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this  
paper.

**Remarks/Arguments** begin on page 3 of this paper.